

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MEMORANDUM OPINION AND ORDER

Plaintiff Travis Sentel Pickens filed this lawsuit against sixteen defendants employed at the Limestone Correctional Facility during the relevant period. (Doc. 1 at 3). He sued ten of the defendants in their supervisory capacities (the “Supervisory Defendants”) and six of the defendants based on their own actions (the “Correctional Officer Defendants”). On July 31, 2023, the magistrate judge entered a report recommending that the court grant summary judgment in favor of the Supervisory Defendants, and grant partial summary judgment in favor of the Correctional Officer Defendants. (Doc. 45). Although the court advised the parties of their right to file specific written objections within fourteen days and of the consequences of failing to object (*id.* at 75–76), the court has not received any objections.

The parties' failure to file specific objections waives any challenge to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); 11th Cir. 3-1.

The court therefore **ADOPTS** the report and **ACCEPTS** the recommendation. The court **GRANTS** the Supervisory Defendants' motion for summary judgment in full. (Doc. 31). The court **GRANTS IN PART** and **DENIES IN PART** the Correctional Officer Defendants' motion for summary judgment. (Doc. 33). Specifically, the court **GRANTS** summary judgment in favor of the Correctional Officer Defendants with respect to Mr. Pickens' official capacity claims for monetary relief and the following individual capacity claims for monetary relief: (1) the Eighth Amendment deliberate indifference to serious mental health needs claim against Caleb Lieber, (2) the Eighth Amendment deliberate indifference to serious medical needs claim against Phillip McMahan and David Roggensack, (3) the Eighth Amendment excessive use of force claim as to Nicholas Neve for the March 5, 2021, incident regarding the takedown when Mr. Pickens charged another corrections officer; (4) the Eighth Amendment excessive force claim as to Nicholas Neve for the March 27, 2021, incident, (5) the Eighth Amendment conditions of confinement claim against Mr. McMahan, Mr. Roggensack, and Chris Weller, and (6) the First Amendment retaliation claim as to Mr. Lieber and Mr. Neve.

The court **DENIES** the Correctional Officer Defendants' motion for summary judgment on the remaining claims, which are for the use of excessive force in violation of the Eighth Amendment: (1) against Mr. Lieber for the February 15, 2021 incident; (2) against Mr. Neve for the February 15, 2021 incident; (3) against

Mr. McMahan, Mr. Roggensack, and Mr. Weller for the February 20, 2021 incident; (4) against Mr. Andrews for the March 5, 2021 incident; and (5) against Mr. Neve for the March 5, 2021 incident only with respect to the use of the chokehold. The court **REFERS** this matter to the magistrate judge for further proceedings.

The court will enter a separate partial summary judgment consistent with this order.

DONE and **ORDERED** this August 23, 2023.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE